



K A N S A S

RODERICK L. BREMBY, SECRETARY

DEPARTMENT OF HEALTH AND ENVIRONMENT

KATHLEEN SEBELIUS, GOVERNOR

September 22, 2005

Mr. Paul Lohaus
State and Tribal Programs
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Lohaus:

I am pleased to respond to your letter dated September 14, 2005, regarding my July 25, 2005, letter submitting the Program Improvement Plan developed by my staff.

After reviewing the improvement plan and the three steps you requested be added, please note that each of these steps were addressed in the original plan submitted with my July 25, 2005, letter. I call your attention to the task titled "Promulgate all 15 Parts of the Regulations as one complete set." Due to the complex nature of this regulation package, it is necessary for all the regulations to become effective on the same date. To facilitate this, the regulations will be moved forward as one complete package not as individual regulations or parts. It should be noted that completion of the regulation portion of the plan is almost entirely within our control and we do not anticipate any major deviations from the anticipated completion dates.

We have also made some changes to the portion of the plan dealing with the second recommendation to "Develop a plan to account for future adoption of NRC amendments in the required time frames." These additional details will enable us to better track completion of this recommendation.

While I understand there was some miscommunication regarding how the regulations were to be submitted to NRC for compatibility review that caused some delays in the review process, I appreciate the efforts the reviewers put forth to complete their reviews. I look forward to a

STP-006 Implete

R105: SP08

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SISP Review Complete

Mr. Paul Lohaus
September 22, 2005
Page 2

continued mutually beneficial relationship between our agencies to protect the health and safety of the citizens of Kansas. If you have any questions concerning this or any other matter, please do not hesitate to contact me or Tom Conley of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald F. Hammerschmidt". The signature is fluid and cursive, with a large initial "R" and "H".

Ronald F. Hammerschmidt, Ph.D.
Director, Division of Environment

RFH:TC:cah
Enclosure
C – Clark Duffy, Director, Bureau of Air and Radiation
Tom Conley, Chief, Radiation & Asbestos Control Section

Kansas Program Improvement Plan

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Promulgate and submit to NRC for review all overdue regulations.	Prepare Part 1 "General" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	05/19/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	05/25/05
		Submit to NRC for review.	NRC	N/A	Completed	05/25/05
	Prepare Part 2 "Registration of Radiation Producing Devices" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	09/04/03
		Attorney Generals Office approval	Attorney General	N/A	Completed	09/04/03
	Prepare Part 3 "Licensing of Radioactive Materials" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	06/13/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	06/13/05
		Submit to NRC for review.	NRC	N/A	Completed	06/22/05
	Prepare Part 4 "Standards for Protection Against Radiation" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	06/13/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	06/14/05
		Submit to NRC for review.	NRC	N/A	Completed	06/20/05
	Prepare Part 5 "Diagnostic X-ray" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	06/29/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	06/29/05

Kansas Program Improvement Plan

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Promulgate and submit to NRC for review all overdue regulations.	Prepare Part 6 "Radioactive Material in the Healing Arts" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	05/10/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	05/24/05
		Submit to NRC for review.	NRC	N/A	Completed	05/24/05
	Prepare Part 7 "Industrial Radiography" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	06/10/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	06/10/05
		Submit to NRC for review.	NRC	N/A	Completed	06/20/05
	Prepare Part 8 "Analytical X-ray" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	09/04/03
		Attorney Generals Office approval	Attorney General	N/A	Completed	09/04/03
	Prepare Part 9 "Accelerator" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	09/04/03
		Attorney Generals Office approval	Attorney General	N/A	Completed	09/04/03
	Prepare Part 10 "Instruction to Workers" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	10/23/03
		Attorney Generals Office approval	Attorney General	N/A	Completed	10/23/03
		Submit to NRC for review.	NRC	N/A	Completed	05/10/05

Kansas Program Improvement Plan

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Promulgate and submit to NRC for review all overdue regulations.	Prepare Part 11 "Wireline and Tracer Study" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	09/16/03
		Attorney Generals Office approval	Attorney General	N/A	Completed	09/16/03
		Submit to NRC for review.	NRC	N/A	Completed	05/10/05
	Prepare Part 12 "Irradiator" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	05/19/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	05/19/05
		Submit to NRC for review.	NRC	N/A	Completed	05/20/05
	Prepare Part 13 "Emergency Plan Criteria" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	06/03/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	06/03/05
		Submit to NRC for review.	NRC	N/A	Completed	06/03/05
	Prepare Part 14 "Therapeutic Radiation Machines" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	05/19/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	05/19/05
	Prepare Part 15 "Transportation" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	05/29/05
		Attorney Generals Office approval	Attorney General	N/A	Completed	05/29/05
		Submit to NRC for review.	NRC	N/A	Completed	05/30/05

Kansas Program Improvement Plan

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Promulgate and submit to NRC for review all overdue regulations.	Promulgate all 15 Parts of the Regulations as one complete set.	Publish the Public Hearing Notice and Regulatory Impact Statements in the Kansas Register	T. Conley	N/A	Completed	07/14/05
		Present Regulations to the Joint Committee on Administrative Rules and Regulations	T. Conley	8/22/2005	Completed	08/22/05
		Conduct the Public Hearing	John Mitchell	9/23/2005	Pending Public Hearing	
		Resolve comments and prepare post hearing changes.	T. Conley	10/31/2005	Pending Public Hearing	
		Secretary of Kansas Department of Health and Environment approval	Secretary KDHE	11/15/2005	Pending Comment Resolution	
		Submit to NRC for review.	T. Conley	11/20/2005	Pending Secretary Approval	
		Publish final regulations in the Kansas Register	T. Conley	12/16/2005	Pending Secretary Approval	
		Final regulations become effective	T. Conley	12/31/2005	Pending Publication	
Develop a plan to account for future adoption of NRC amendments in the required time frames.	Develop proposed organization to include specific regulation tracking assignments	Complete organization chart proposal that includes regulation tracking assignments	T. Conley	N/A	Completed	07/13/05
		Present proposed organization to Division Director	T. Conley	N/A	Completed	07/18/05
	Fill positions after approval by upper management	Post six new ES-II positions	T. Conley/Human Resources	TBD		
		Reallocate existing positions from RCI to ES-II	T. Conley/Human Resources	TBD		
		Interview applicants	T. Conley	TBD		
		Make employment offers	T. Conley/Human Resources	TBD		